

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

GERSON ALBERTO FLORES-RIVERA,
Defendant.

NO. CR21-096JCC

PROTECTIVE ORDER

This matter comes before the Court on the Parties' Stipulated Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the stipulated motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for a Protective Order and referred to therein as "Protected Material," marked specially as "Protected Material," may be produced to counsel for the defendant in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case. The attorneys of record, and their investigators, expert witnesses, and other agents can review Protected Material with the defendant. The defendant can inspect and review Protected Material, but

1 shall not be allowed to possess, photograph, or record Protected Material or otherwise retain
2 Protected Material or copies thereof.

3 IT IS FURTHER ORDERED that defense counsel shall not provide Protected Material
4 or copies thereof to any other person outside his or her law office, including the defendant or
5 their family or associates. The defendant, who is currently residing at the FDC, will be
6 permitted to review the Protected Material with defense counsel or other authorized member
7 of the defense team, but will not be provided with a copy of the material. Copies of the
8 Protected Material cannot be given to the Federal Detention Center (FDC) in SeaTac for the
9 defendant to review on his own.

10 IT IS HEREBY FURTHER ORDERED that the defendant, defense counsel, and others
11 to whom disclosure of the content of the Protected Material may be necessary to assist with
12 the preparation of the defense, shall not disclose the Protected Material or its contents, other
13 than as necessary for the preparation of defenses at trial and in subsequent appellate
14 proceedings, if necessary. Specifically, the attorneys of record and members of the defense
15 team acknowledge that providing copies of the Protected Material to the FDC, the defendant,
16 and other persons is prohibited, and agree not to duplicate or provide copies of the Protected
17 Material to the FDC, the defendant, and other persons. This order does not limit employees
18 of the United States Attorney's Office for the Western District of Washington from disclosing
19 the Protected Material to members of the United States Attorney's Office, federal law
20 enforcement agencies, the Court, or witnesses in order to pursue other investigations or the
21 prosecution in this case. Nor does it limit employees of the United States Attorney's Office
22 for the Western District of Washington from disclosing the Protected Material to the defense
23 as necessary to comply with the government's discovery obligations.

24 Nothing in this Protective Order prohibits defense counsel from showing the Protected
25 Material, or reviewing its contents, with defendant or with others to whom disclosure may be
26 necessary to assist with the preparation of the defense at trial and in subsequent appellate
27 proceedings, if necessary.
28

1 IT IS FURTHER ORDERED that if counsel finds it necessary to file any documents
2 marked as Protected Material, the material shall be filed under seal with the Court.

3 Nothing in this Order shall prevent defense counsel from seeking modification of this
4 Protective Order or from objecting to discovery that it believes to be otherwise improper. The
5 parties agree that in the event that compliance with this Order makes it difficult for defense
6 counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable
7 burden on counsel, defense counsel shall bring any concerns about the terms of the Order to
8 the attention of the government. The parties shall then meet and confer with the intention of
9 finding a mutually acceptable solution. In the event that the parties cannot reach such a
10 solution, defense counsel shall have the right to bring any concerns about the scope or terms
11 of the Order to the attention of the Court by way of a motion.

12 Nothing in this Order should be construed as imposing any discovery obligations on
13 the government that are different from those imposed by case law and Rule 16 of the Federal
14 Rules of Criminal Procedure. The failure to designate any materials as provided in paragraph
15 2 shall not constitute a waiver of a party's assertion that the materials are covered by this
16 Protective Order.

17 This Protective Order does not constitute a ruling on the question of whether any
18 particular material is properly discoverable or admissible and does not constitute any ruling
19 on any potential objection to the discoverability of any material.

20 //

21 //

22 //

1 IT IS FURTHER ORDERED that at the conclusion of the case, the Protected Material
2 shall be returned to the United States, or destroyed, or otherwise stored in a manner to ensure
3 that it is not subsequently duplicated or disseminated in violation of this Protective Order.

4 The Clerk of the Court is directed to provide a filed copy of this Protective Order to all
5 counsel of record.

6 DATED this 30th day of August 2021.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:

s/ C. Andrew Colasurdo

C. ANDREW COLASURDO

Assistant United States Attorney